



New Mexico State Legislature  
**Courts, Corrections and Justice Committee**

**2007**  
**INTERIM REPORT**

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Legislative Council Service  
411 State Capitol  
Santa Fe, New Mexico

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Work Plan and Meeting Schedule

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## Work Plan and Meeting Schedule

**2007 APPROVED  
WORK PLAN AND MEETING SCHEDULE  
for the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

The Courts, Corrections and Justice Committee was created by the Legislative Council on May 14, 2007. The committee members are:

**Members**

Sen. Cisco McSorley, Co-Chair  
Rep. Al Park, Co-Chair  
Sen. Rod Adair  
Rep. Thomas A. Anderson  
Rep. Joseph Cervantes  
Rep. Gail Chasey  
Sen. Kent L. Cravens  
Sen. John T. L. Grubestic

Sen. Carroll H. Leavell  
Rep. Antonio "Moe" Maestas  
Sen. Richard C. Martinez  
Sen. Lidio G. Rainaldi  
Rep. William "Bill" R. Rehm  
Rep. Peter Wirth  
Rep. Eric A. Youngberg

**Advisory Members**

Sen. Ben D. Altamirano  
Rep. Elias Barela  
Rep. Daniel R. Foley  
Sen. Mary Jane M. Garcia  
Sen. Clinton D. Harden, Jr.  
Sen. Gay G. Kernan  
Sen. Linda M. Lopez  
Rep. W. Ken Martinez  
Sen. William H. Payne

Rep. Jane E. Powdrell-Culbert  
Sen. John C. Ryan  
Sen. Michael S. Sanchez  
Rep. Sheryl Williams Stapleton  
Rep. Mimi Stewart  
Rep. Thomas E. Swisstack  
Sen. James G. Taylor  
Rep. Teresa A. Zanetti

**Work Plan**

During the 2007 interim and as time permits, the committee plans to:

- (1) review operations of the judiciary, its projects, committees, specialized courts, budget and recommended legislation;
- (2) oversee and monitor issues relating to corrections, review findings of the Legislative Finance Committee's performance audit study and begin development of a long-term vision of corrections policy that addresses incarceration, rehabilitation, diversion and reintegration of offenders;
- (3) examine issues relating to criminal justice and public safety, including criminal laws and procedures, the public defender, district attorneys and law enforcement issues;
- (4) review sex offender registration laws and the impact of the federal Adam Walsh Child Protection and Safety Act;

(5) study water adjudication issues in a joint meeting with the Water and Natural Resources Committee;

(6) examine payday and car title loans by attending the Economic and Rural Development Committee meeting on those issues;

(7) review status of the state crime laboratory;

(8) review attorney general's and governor's legislative proposals;

(9) review recommendations from the Governor's Ethics Reform Task Force;

(10) address related issues as appropriate; and

(11) recommend legislation or changes in existing law to the legislature.

The committee is granted one day per diem and mileage for a subcommittee consisting of four members that would examine issues relating to police procedures for eyewitness identification.

### **2007 Approved Meeting Schedule**

| <u>Date</u>            | <u>Location</u>   |
|------------------------|-------------------|
| June 19                | Santa Fe          |
| July 25-26             | Santa Rosa        |
| August 16-17           | Taos or Red River |
| September 24-25        | Ruidoso           |
| October 22-23          | Santa Fe          |
| November 19-20         | Santa Fe          |
| Subcommittee — one day | Santa Fe          |

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## Agendas

Revised: June 8, 2007

**TENTATIVE AGENDA  
for the  
FIRST MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**June 19, 2007  
Room 307, State Capitol  
Santa Fe**

**Tuesday, June 19**

10:00 a.m.

**Call to Order**

—Senator Cisco McSorley and Representative Al Park,  
Co-Chairs

10:10 a.m.

**Development of Work Plan and Meeting Schedule for the 2007  
Interim**

—Committee Members and Staff

**Public Comment**

**Adjourn**

Revised: July 20, 2007

**TENTATIVE AGENDA  
for the  
SECOND MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**July 25-26, 2007  
Santa Rosa High School  
717 South Third Street  
Santa Rosa**

**Wednesday, July 25**

- 9:30 a.m.           **Call to Order**  
—Senator Cisco McSorley and Representative Al Park,  
Co-Chairs
- 9:40 a.m.           **Approval of Minutes**
- 9:45 a.m.           **Welcoming Remarks**  
—Jose A. Campos, Mayor of Santa Rosa
- 10:00 a.m.           **Corrections and Public Safety: Budgets, Growth and Expenditure Trends**  
—Renada Peery-Galon, Senior Fiscal Analyst, Legislative Finance Committee (LFC)
- 10:20 a.m.           **Corrections Performance Audit: Review of Prison Planning, Private Prison Contracts and Monitoring, Medical and Mental Health Services**  
—Charles Sallee, Senior Performance Auditor, LFC  
—Joe Williams, Secretary of Corrections  
—Wayne Calabrese, President and Vice Chair, GEO, Inc.
- 12:30 p.m.           **Working Lunch**  
**Adult Parole Board Performance Audit**  
—Susan Fleischmann, CPA, Performance Auditor, LFC  
—Tim Kline, Chair, Adult Parole Board (invited)  
—Ella Frank, Executive Director, Adult Parole Board
- 1:30 p.m.           **Alternatives to Incarceration for Women Offenders**  
—Maureen A. Sanders, President, Women's Justice Project (WJP)  
—Angie Vachio, Vice President, WJP
- 2:45 p.m.           **Public Comment**



3:00 p.m.                    **Tour of the Guadalupe County Correctional Facility**

**Recess**

**Thursday, July 26**

9:00 a.m.                    **Prisoner Hearing Procedures and Life Parolees**

—John L. Walker, Attorney

10:30 a.m.                    **Probation and Parole Barriers to Reentry**

—Tilda Sosaya, Prisoner Rights and Family Advocate

10:50 a.m.                    **Inmate Access to Legal Forms and Documents**

—Margaret Blonder, Law Student, UNM School of Law

11:00 a.m.                    **Local Government Funding of Jails**

—Tasia Young, New Mexico Association of Counties

—Regina Romero, Director of Intergovernmental Relations, New Mexico  
Municipal League

12:00 noon                    **Report on the Espanola Jail**

—Alice Lucero, Mayor Pro Temp, City of Espanola

—Julian Gomez, Chief of Police, City of Espanola

12:30 p.m.                    **Bernalillo County Jails: Funding and Overcrowding**

—Alan Armijo, Bernalillo County Commission Chair

—Debbie O'Malley, City Council President, City of Albuquerque

—John Dantis, Deputy County Manager for Public Safety, Bernalillo  
County

—Bruce Perlman, Chief Administrative Officer, City of Albuquerque

—Anna Lamberson, Ph.D., Budget Officer, City of Albuquerque

—William F. Lang, Chief Judge, Second Judicial District Court (or  
designee)

—Victoria J. Grant, Presiding Criminal Judge, Metropolitan Court

—Theresa A. Gomez, Judge, Metropolitan Court

—Marc M. Lowry, Attorney, Rothstein Law Firm

2:00 p.m.                    **Public Comment**

**Adjourn**

Revised: August 14, 2007

**TENTATIVE AGENDA  
for the  
THIRD MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**August 16-17, 2007  
Taos Convention Center  
Bataan Hall  
120 Civic Plaza Drive  
Taos**

**Thursday, August 16**

- 10:00 a.m.           **Call to Order**  
—Senator Cisco McSorley and Representative Al Park,  
Co-Chairs
- 10:05 a.m.           **Approval of Minutes**
- 10:10 a.m.           **Sex Crime Prevention: What Works, What Does Not Work and How  
to Promote Effective Policies**  
—Jill S. Levenson, Ph.D., Lynn University, Florida
- 12:30 p.m.           **Working Lunch**
- 1:30 p.m.           **Sex Offender Registration and Notification: Current State Law;  
Costs and Federal Funds**  
— John Wheeler, Chief Counsel, Department of Public Safety (DPS), and  
Crime Policy Advisor to the Governor  
— Tasia Young, New Mexico Association of Counties
- 2:30 p.m.           **Parole and GPS Monitoring of Sex Offenders**  
— Charlene Knipfing, Director, Probation and Parole Division, New  
Mexico Corrections Department (NMCD)  
— Ella Frank, Executive Director, Adult Parole Board  
— Randall Cherry, General Counsel, Sex Offender Management Board  
(SOMB)

## Sex Offender Treatment: Corrections and the STOP Program

— Bianca Martinez McDermott, Ph.D., Mental Health Services Bureau  
Chief, NMCD

— Jim Vincent, Program Director, Community Reintegration Unit,  
NMCD

— Donald Montoya, Director, STOP Program, New Mexico Behavioral Health Institute

## Sex Offender Management in New Mexico: Developing Issues and Solutions

— Judge Michael E. Vigil, Chair, SOMB

— Randall Cherry, General Counsel, SOMB

## Public Comment

## Recess

Friday, August 17

## Border Violence Division: Legislative Proposal on Human Trafficking

— Maria Sanchez-Gagne, Assistant Attorney General, Border Violence  
Division, Attorney General's Office

— Senator Mary Jane M. Garcia

## Status of State Crime Laboratory

— Bill Taylor, Director, Property Control Division, General Services  
Department

— Paul Cook, Deputy Secretary for Administration, DPS

— Ann Talbot, Bureau Chief, Forensic Laboratories, DPS

## Driving Under the Influence of Drugs: Extent of Problem; Scientific Standards

— David Mills, Director, Scientific Laboratory Division, Department of Health

—Franklin Garcia, Staff Manager, Traffic Safety Bureau, Department of Transportation

—Christine Frank, Detective, Albuquerque Police Department, Drug Recognition Expert State Coordinator

## Public Comment

## Adjourn

Revised: September 14, 2007

**TENTATIVE AGENDA  
for the  
WATER AND NATURAL RESOURCES COMMITTEE  
and  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**September 24-25, 2007  
Room 6, Aztec Room  
Ruidoso Convention Center**

**Monday, September 24**

- 8:30 a.m.        **Call to Order**  
—Senator Phil A. Griego, Water and Natural Resources Committee Chair  
—Representative Al Park, Courts, Corrections and Justice Committee Co-Chair  
—Senator Cisco McSorley, Courts, Corrections and Justice Committee Co-Chair
- 8:35 a.m.        **Ruidoso and Hondo Valley Water Issues**  
—Alvin Jones, Attorney  
—Jackie Powell, Hondo Valley Acequia Association
- 10:00 a.m.       **Water Adjudication Reform**  
—Judge Jerald A. Valentine, Third Judicial District  
—Celina Jones, Administrative Office of the Courts  
—Steve Snyder, Special Master
- 12:00 noon      **Lunch**
- 1:30 p.m.        **Proposals to Expedite Adjudications:**
  - **Rio Chama Template for Expediting Water Adjudications**
  - **Proposed Schedule for Conducting Future Adjudications**
  - **Budget Requirements**—John D'Antonio, State Engineer (Invited)  
—D.L. Sanders, General Counsel, Office of the State Engineer  
—Greg Ridgely, Counsel, Office of the State Engineer (Invited)
- 3:30 p.m.        **The Role of Ombudsman and Intervenors in Water Adjudications**  
—Steve Hernandez, Attorney  
—Susan Kelly, Joe M Stell Ombudsman Program, Utton Transboundary Center, University of New Mexico Law School
- 5:00 p.m.        **Recess**

**Tuesday, September 25**

- 8:30 a.m.      **Pecos River Settlement Issues**  
—A.J. Olsen, Attorney
- 10:00 a.m.    **Challenging Energy Era**  
—Art Hull, Public Service Company of New Mexico
- 11:00 a.m.    **Grazing Units and Damage on National Forest Allotments**  
—Jimmy Goss, Rancher, Weed, New Mexico  
—Charles Walker, Rancher, Cloudcroft, New Mexico
- Otero County Resource Management Program**  
—Doug Moore, Chair, Otero County Commission  
—Dr. Martin Moore, Otero County Administrator
- Watershed Action**  
—Bill Mershon, Otero Soil and Water Conservation District  
—Peggy Johnson, Bureau of Geology and Mineral Resources
- State Forester Work Plan**  
—Butch Blazer, State Forester
- 1:00 p.m.     **Adjourn**

Revised: October 9, 2007

**TENTATIVE AGENDA  
for the  
FIFTH MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**October 15-16, 2007  
Room 307, State Capitol  
Santa Fe**

**Monday, October 15**

- 10:00 a.m.           **Call to Order**  
—Senator Cisco McSorley and Representative Al Park,  
Co-Chairs
- 10:05 a.m.           **Approval of Minutes**
- 10:10 a.m.           **New Mexico Sentencing Commission:**  
\* **Workload Assessment Study**  
\* **Current Research Projects**  
\* **New Mexico Corrections Department Diagnostic Evaluations**  
—Mike Hall, Executive Director  
—Tony Ortiz, Deputy Director  
—Linda Freeman, Research Scientist
- 12:00 noon           **Lunch**
- 1:30 p.m.           **Juvenile Justice and Behavioral Health**  
—Barbara J. Vigil, Judge, First Judicial District Court  
—Pam Galbraith, CEO, ValueOptions  
—Thomas E. Swisstack, Director, Bernalillo County Juvenile Detention  
Center  
—Roger Gillespie, Director, Juvenile Justice Field Services, Children,  
Youth and Families Department, with field staff: Craig Sparks,  
Susan Sisneros and Jan Stanley
- 3:00 p.m.           **Legislative Proposals from the Attorney General**  
—Gary King, Attorney General
- 4:30 p.m.           **Public Comment**
- Recess**

**Tuesday, October 16**

- 9:00 a.m.                    **Report from the Judiciary:**  
                                  \* **Unified Budget**  
                                  \* **Proposed Legislation**  
                                  \* **Judicial Caseloads**  
                                  —Edward L. Chavez, Chief Justice, New Mexico Supreme Court  
                                  —James J. Wechsler, Judge, New Mexico Court of Appeals  
                                  —Arthur W. Pepin, Director, Administrative Office of the Courts
- 11:30 a.m.                    **Funding for Civil Legal Services**  
                                  —Edward L. Chavez, Chief Justice, New Mexico Supreme Court  
                                  —John Arango, Commissioner, Civil Legal Services Commission
- 12:00 noon                    **Probation Officers in Magistrate Court: Misdemeanor Compliance Program**  
                                  —Phillip J. Romero, San Miguel County Magistrate  
                                  —Pat Casados, Los Alamos County Magistrate  
                                  —Richard "Buzzy" Padilla, Santa Fe County Magistrate  
                                  —Robert Corn, Chaves County Magistrate
- 12:30 p.m.                    **Public Comment**  
  
                                  **Adjourn**

Revised: November 15, 2007

**TENTATIVE AGENDA  
for the  
SIXTH MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**November 19-20, 2007  
Room 307, State Capitol  
Santa Fe**

**Monday, November 19**

- 10:00 a.m.           **Call to Order**  
—Senator Cisco McSorley and Representative Al Park,  
Co-Chairs
- 10:05 a.m.           **Approval of Minutes**
- 10:10 a.m.           **Two Strikes, Three Strikes and Habitual Offender Laws (#22)**  
—Senator John C. Ryan  
—Representative Justine Fox-Young  
—Mark H. Donatelli, New Mexico Criminal Defense Lawyers  
Association  
—Henry R. Valdez, District Attorney, First Judicial District
- 11:45 a.m.           **Public Employment Barriers for Convicted Felons (#23)**  
—Betty Sparrow Doris, Secretary, Workforce Solutions Department
- 12:15 p.m.           **Working Lunch**  
**Uniform Law Commission: Proposed Legislation (#15-20)**  
—John P. Burton, Uniform Law Commissioner
- 1:45 p.m.           **Proposed Mother-Child Treatment Center**  
—Deanna Archuleta, Bernalillo County Commissioner  
—Angie Vachio, President, Women's Justice Project
- 2:00 p.m.           **Alleged Sexual Assaults at Camino Nuevo**  
—Angie Vachio, President, Women's Justice Project
- 3:00 p.m.           **Governor's Legislative Proposals (#24-29)**  
—John Wheeler, Crime Policy Advisor to the Governor  
—Sharon Pino, Domestic Violence Czar
- 4:00 p.m.           **Services to Families of Murder Victims (#30)**



—Representative Gail Chasey

4:30 p.m.

**Public Defender Commission (#31)**

—Homer Robinson, Project Manager, New Mexico Coalition for Justice

—Phyllis Subin, Former Chief Public Defender

4:45 p.m.

**Opiate Addiction Treatment Pilot Project (#21)**

—Representative Mimi Stewart

—Reena Szczepanski, Director, Drug Policy Alliance New Mexico

**Recess**

**Tuesday, November 20**

9:00 a.m.

**Report from the Governor's Task Force on Ethics Reform**

—Stuart Bluestone, Task Force Member and Chief Deputy Attorney General

—Matt Brix, Task Force Member and Policy Director, Center for Civic Policy

—Norman Thayer, Task Force Member and Attorney, Sutin, Thayer and Browne

**Legislative Proposals on Ethics Reform from the Attorney General (#32-37)**

—Gary K. King, Attorney General

11:30 a.m.

**Title Insurance: Rate Regulation Reform and Negligence in Title Searches (#38)**

—Jason Marks, Vice Chair, Public Regulation Commission

—Charles Denton, Title Insurance Bureau Chief, Insurance Division, Public Regulation Commission

1:00 p.m.

**Federal Requirements for CDL Licenses (#39)**

—Kenneth Ortiz, Director, Motor Vehicle Division, Taxation and Revenue Department

—Javier Lopez, Assistant General Counsel, Department of Transportation

1:30 p.m.

**Committee Endorsement of Proposed Legislation**

—Committee Members and Staff

**Public Comment**

**Adjourn**

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Minutes

**MINUTES  
of the  
FIRST MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**June 19, 2007  
State Capitol, Room 307  
Santa Fe**

**Present**

Sen. Cisco McSorley, Co-Chair  
Sen. Rod Adair  
Sen. Kent L. Cravens  
Sen. John T.L. Grubescic  
Sen. Richard C. Martinez  
Sen. Lidio G. Rainaldi  
Rep. William "Bill" R. Rehm  
Rep. Peter Wirth  
Rep. Eric A. Youngberg

**Advisory Members**

Sen. Ben D. Altamirano  
Rep. Daniel R. Foley  
Sen. Mary Jane M. Garcia  
Sen. Linda M. Lopez  
Rep. W. Ken Martinez  
Sen. William H. Payne  
Sen. John C. Ryan  
Rep. Sheryl Williams Stapleton  
Rep. Thomas E. Swisstack

**Staff**

Maha Khoury  
Evan Blackstone  
Tim Crawford

**Guests**

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

**Absent**

Rep. Al Park, Co-Chair  
Rep. Thomas A. Anderson  
Rep. Joseph Cervantes  
Rep. Gail Chasey  
Sen. Carroll H. Leavell  
Rep. Antonio "Moe" Maestas

Rep. Elias Barela  
Sen. Clinton D. Harden, Jr.  
Sen. Gay G. Kernan  
Rep. Jane E. Powdrell-Culbert  
Sen. Michael S. Sanchez  
Rep. Mimi Stewart  
Sen. James G. Taylor  
Rep. Teresa A. Zanetti

## **Tuesday, June 19**

### **Call to Order**

The first meeting of the Courts, Corrections and Justice Committee was called to order by Senator Cisco McSorley, co-chair, on Tuesday, June 19, 2007, at 10:20 a.m. in Room 307 at the State Capitol in Santa Fe. Senator McSorley welcomed committee members and guests and invited committee members to introduce themselves.

### **Development of 2007 Interim Work Plan and Meeting Schedule**

Maha Khoury and Evan Blackstone, staff attorneys, Legislative Council Service, presented a proposed work plan, meeting schedule and topics to committee members. Members requested that certain issues be addressed this coming interim. They also discussed meeting dates and locations and the joint meeting scheduled with the Water and Natural Resources Committee. Senator McSorley invited public comment, and several people, including representatives from the governor's and attorney general's staffs, requested that certain topics be addressed this interim. Staff will present the committee's proposed work plan and meeting schedule to the Legislative Council on June 26 for approval.

### **Adjournment**

The committee adjourned at 12:45 p.m.

**MINUTES  
of the  
SECOND MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**July 25-26, 2007  
Santa Rosa High School  
717 South Third Street  
Santa Rosa**

The second meeting of the Courts, Corrections and Justice Committee was called to order by Senator Cisco McSorley, co-chair, on July 25, 2007 at 9:34 a.m. at Santa Rosa High School in Santa Rosa.

**Present**

Sen. Cisco McSorley, Co-Chair  
Rep. Al Park, Co-Chair  
Sen. Rod Adair  
Rep. Thomas A. Anderson  
Rep. Joseph Cervantes  
Rep. Gail Chasey (7/25)  
Sen. Carroll H. Leavell  
Rep. Antonio "Moe" Maestas  
Sen. Richard C. Martinez  
Sen. Lidio G. Rainaldi  
Rep. William "Bill" R. Rehm  
Rep. Peter Wirth

**Advisory Members**

Sen. Mary Jane M. Garcia  
Sen. Clinton D. Harden, Jr.  
Sen. Linda M. Lopez (7/25)  
Rep. Jane E. Powdrell-Culbert  
Rep. Mimi Stewart (7/25)  
Rep. Thomas E. Swisstack

**Guest Legislator**

Rep. Danice Picraux (7/25)

**Absent**

Sen. Kent L. Cravens  
Sen. John T.L. Grubescic  
Rep. Eric A. Youngberg

Sen. Ben D. Altamirano  
Rep. Elias Barela  
Rep. Daniel R. Foley  
Sen. Gay G. Kernan  
Rep. W. Ken Martinez  
Sen. William H. Payne  
Sen. John C. Ryan  
Sen. Michael S. Sanchez  
Rep. Sheryl Williams Stapleton  
Sen. James G. Taylor  
Rep. Teresa A. Zanetti

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Maha Khoury  
Evan Blackstone  
Randi Johnson

**Guests**

The guest list is in the meeting file.

**Wednesday, July 25****Committee Business**

Senator McSorley welcomed committee members and guests.

Representative Jose A. Campos welcomed committee members and guests.

The committee approved the minutes from the first meeting.

**Corrections and Public Safety Budgets, Growth and Expenditure Trends**

Renada Peery-Galon, senior fiscal analyst, Legislative Finance Committee (LFC), provided the committee with a report on the New Mexico Corrections Department's (NMCD) increasing budget. Specifically, Ms. Peery-Galon pointed out that between FY03 and FY08, the operating budget of the NMCD increased by 38.7%, or \$83.7 million, and its general fund appropriation increased by 45%, or \$81.6 million. Also, in FY05, FY06 and FY07, NMCD received millions of dollars in supplemental funds from the State Board of Finance general fund operating reserve and from supplemental and deficiency appropriations for budget shortfalls.

Ms. Peery-Galon informed the committee that, based on FY05 data, the average cost to house an inmate in a public or private state correctional facility is \$81.35 a day or \$29,695 a year. In FY07, there was an unusual inmate population decrease. The male inmate population dropped by 4.1% and the female inmate population decreased by 10.4%. Ms. Peery-Galon told the committee that in FY09 the budget will include a new correctional facility in Clayton, New Mexico. The estimated cost of this facility is \$14.7 million based on a per diem rate of \$75.00 per day and a guarantee in the contract that at least 90% of the facility will be filled. Ms. Peery-Galon also informed the committee that the crime labs are in huge need of DNA technicians. During general committee questions, she elaborated that New Mexico is paying DNA technicians competitively; however, on the East Coast, technicians are able to make six-figure salaries.

**Corrections Performance Audit: Review of Prison Planning, Private Prison Contracts and Monitoring, Medical and Mental Health Services**

Charles Sallee, senior performance auditor, LFC, provided the committee with an overview of the LFC's prison performance audit, its findings and recommendations. Mr. Sallee noted that, despite great improvement since the 1980 riot, there is still room for improvement in three key areas: costs, planning and medical services.

With regard to costs, Mr. Sallee told the committee that state spending on private prison contracts has increased 57% since 2001, largely due to contract increases. New Mexico has the highest rate of private prison use in the nation and the NMCD pays significantly higher rates to house inmates than other states for similarly classified prisoners. He suggested that private prisons should be required to justify annual price increases based on performance and improve management of savings created by staff vacancies.

With regard to planning, Mr. Sallee told the committee that New Mexico's approach to prison planning and construction is not in the taxpayers' best interest because the NMCD lacks active long-term planning to accommodate inmate growth. Rapid deterioration and inefficient design make New Mexico's public prison facilities increasingly expensive to operate. New Mexico's use of county jail statutes as the basis for building private state prisons results in the state paying for a prison it will never own.

With regard to medical services, Mr. Sallee noted that the NMCD needs better oversight to contain medical costs and ensure the provision of adequate care. The NMCD's previous medical contractor, Wexford, had insufficient record keeping and reporting. There was a lack of meaningful communication between the NMCD and Wexford and the quality of medical care was inadequate.

Joe Williams, secretary of corrections, reported to the committee that the NMCD is working on all of the areas recommended by the LFC report. The NMCD created a contract compliance bureau and hired a new medical director, Dr. Steven Vaughn, who is realigning the health care programs and will be monitoring the medical contracts. Secretary Williams explained to the committee that the state has a good balance of private prison use, and the higher rates compared with other states have to do with the level of violence that security faces. Secretary Williams conceded that the NMCD's planning methods are disjointed and promised to develop a 10-year plan by November 2008. More capital outlay is needed for the older, inefficient prisons to make them work. Secretary Williams and the new medical director stated that they do not oppose the opiate replacement pilot program at the women's prison as long as it is properly funded.

#### **Town of Clayton on the GEO Prison Contract**

Robert Beck, attorney for the town of Clayton, addressed the committee and thanked Maha Khoury for assisting Clayton in negotiating the contract with GEO. He described GEO's initial approach to the contract and how Ms. Khoury provided information and ammunition that helped negotiate a better agreement.

#### **Adult Parole Board Performance Audit**

Susan Fleischmann, CPA, performance auditor, LFC, provided the committee with an overview of parole board operations, the status of video conferencing readiness and the effectiveness of the internal processes and record keeping. The LFC recommended that the parole board issue certificates in a more timely fashion, update decision-making criteria,

uniformly apply parole decision-making criterias, participate in training that encompasses information technology, enhance communications with the NMCD and develop an IT strategy.

Ella Frank, executive director of the Adult Parole Board, informed the committee that the board's function is misunderstood. The board conducts hearings almost every day of the month and board members are only paid per diem. The board hears almost 4,000 cases a year and the members' job duties are rapidly expanding. Many of the LFC audit issues have been addressed and the board has been in constant contact with the new director of IT services. The parole board needs at least 30 more officers and more office space. Certificates are not late to the prisoners, only late by the board's internal standards.

### **Committee Business**

The committee discussed Governor Bill Richardson's July 20, 2007 press release proposing that new rules relating to clandestine drug laboratories be brought before the Environmental Improvement Board. The proposed rules appear to be similar to three bills that were introduced and failed in the 2007 session. The committee agreed, with one objection by Senator Rod Adair, to seek an attorney general opinion on whether the executive has legal authority to adopt those rules.

### **Alternatives to Incarceration for Women Offenders**

Maureen Saunders of the Women's Justice Project (WJP) provided the committee with a report on the status of Camino Nuevo and the treatment of women inmates. She noted that Camino Nuevo is being run as a level 5 institution, though it is supposed to be level 1 or 2. Secretary Williams denied this allegation and a tour for the WJP was arranged. Ms. Saunders told the committee that women inmates are not provided information regarding their release dates so they are unable to make arrangements. Also, the overnight visitation programs are not being implemented; and, the parenting and GED courses for women inmates overlap so that an inmate cannot attend both. According to WJP, there is a lack of care for trauma, substance abuse and gynecological issues. Angie Vachio, WJP, reiterated to the committee that there is no reentry planning, nor are there halfway houses or intermediate sanctions available for women inmates.

Lisa Zaren, WJP, provided the committee with information regarding La Bodega program, a community partnership program created in New York. La Bodega is a family case-management model. The founding disciplines of La Bodega program are family systems, strength, case management and community partnership.

### **Public Comment**

The committee heard comments from Tilda Sosaya, who shared her concern that inmates are not receiving a proper diet or proper medical care.



## **Site Tour of Guadalupe County Correctional Facility**

Committee members, staff and members of the public visited the Guadalupe County Correctional Facility.

The committee recessed at 5:45 p.m.

## **Thursday, July 26**

### **Prisoner Hearing Procedures and Life Paroles**

John Walker, attorney, discussed problems with inmate disciplinary hearing procedures. Mr. Walker stated that inmates are routinely denied an opportunity to present evidence due to the NMCD policies, and he provided two examples from Lea County. Nick D'Angelo, general counsel for the NMCD, responded that the department's regulations were crafted as a compromise in a lawsuit brought on behalf of inmates. Mr. Walker also discussed life sentences and parolees who were sentenced and paroled under the former law and requested an update in the law for those parolees.

### **Probation and Parole Barriers to Reentry**

Ms. Sosaya, a prisoner rights and family advocate, shared her personal story regarding her son's imprisonment. Her son has been in jail for 10 years for armed robbery and she believes he is not fed properly and that visitation rights are insufficient. She shared that her son cannot get out of level 5 security due to prison administration policies and confusion. Secretary Williams pointed out to the committee that Ms. Sosaya's son has a history of bad behavior within the prison. Ms. Sosaya informed the committee that inmates placed on probation or parole are paying more than is statutorily mandated to be monitored by probation or parole.

### **Inmate Access to Legal Forms and Documents**

Margaret Blonder, a law student at the University of New Mexico (UNM) School of Law, reported to the committee that inmates have access to domestic forms; however, inmates must hand-copy these forms, and the forms can be lengthy and require several copies. Upon committee inquiry, Secretary Williams agreed to allow inmates to use copiers for domestic forms if they pay for the copies themselves.

### **Local Government Funding of Jails and the Espanola Jail**

Tasia Young, Steve Kopelman, Tito Chavez, Regina Romero and various administrators of county detention centers introduced themselves to the committee and participated in the discussion. Ms. Young, New Mexico Association of Counties, reported to the committee that cooperation between the New Mexico Association of Counties and the New Mexico Municipal League has increased. Ms. Young suggested an expansion of the Local Government Corrections Fund and the local gross receipts tax to improve funding. New Mexico is one of seven states where more than 50% of incarcerated persons (over 6,700) are held in local jails. Jail operating budgets can consume 25% to 40% of county budgets.

Mr. Kopelman, risk manager for the association, reiterated that jails take the majority of county general fund money. He also said that inmates with mental health and substance abuse problems should not be housed in county jails and that parole violators are the state's responsibility but are in county jails. All of the jails are overcrowded and, on average, are at 95% capacity. Approximately 50% of the inmates in county jails are arrested for municipal crimes, and cities reimburse counties for incarcerating municipal law detainees and violators. Medical care is not reimbursed by Medicaid and transportation is highly expensive. Ms. Romero, New Mexico Municipal League, added that the municipality's role is to enforce state and local laws, not to incarcerate. Also, the arrest and transportation of violators is a municipal responsibility.

Alice Lucero, mayor pro tem, City of Espanola, and Julian Gomez, chief of police, City of Espanola, discussed the problems faced by the city's jail, the costs of transporting prisoners to Gallup and other locations, and the need for funding for the city or the county to house prisoners adequately.

### **Bernalillo County Jails: Funding and Overcrowding**

Alan Armijo, Bernalillo County Commission chair, told the committee that Bernalillo County is working to reduce the cost of jails without risking safety. He also noted that decriminalization of minor traffic violations may help reduce the jail population. Bruce Pearlman, chief administrative officer for the City of Albuquerque, reported that the city has been collaborating with the county and fully supports acceptable alternatives and innovative solutions. Debbie O'Malley, Albuquerque City Council president, spoke about the controversy surrounding the city's decision to provide \$9 million to the county for the Bernalillo County Metropolitan Detention Center.

Judge Victoria Grant, presiding criminal judge of the Bernalillo County Metropolitan Court (BCMC), gave the committee an overview of initiatives that the metropolitan court established to reduce inmate overpopulation. She informed the committee that the initiatives to establish alternative community courts was successful, and there is now a homeless court, mental health court, domestic violence court, drug court and Native American drug court. These alternative courts aim for early intervention to avoid incarceration and to help reduce recidivism. Judge Theresa Gomez, BCMC, added that arraignments are conducted seven days a week, and that the court is discussing conducting them twice a day.

Judge William Lang, chief judge of the Second Judicial District Court, reported to the committee that there is a need for treatment and diversion and that drug court is a proven success. He also informed the committee that often, the behavior is ingrained in the offender and that offenders are in need of more substance abuse treatment and mental health counseling.

John Dantis, deputy county manager for public safety in Bernalillo County, told the committee that the county supervises 3,000 inmates per day and has a community custody program. Mr. Dantis explained how the responsibilities for the building and operation of jails are with the counties, yet the counties do not have the legal authority to manage and operate their

jails successfully; although there are more county jail inmates than state prisoners, the counties are not given the discretion they need to manage the population. He discussed House Bill 636, which did not pass last session, and how it addressed these issues.

Mark Lowry, attorney with the Rothstein law firm, recommended that the discretion to control "good time" by metropolitan judges be removed from statute. District judges have no control over "good time" of inmates because that is a mechanism used to assist the NMCD to manage its prisons. He also suggested instituting mandatory jail reduction mechanisms, as other states are doing.

The committee adjourned at 4:00 p.m.

**MINUTES  
of the  
THIRD MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**August 16-17, 2007  
Taos Convention Center  
Bataan Hall  
120 Civic Plaza Drive  
Taos**

The third meeting of the Courts, Corrections and Justice Committee for the 2007 interim was called to order by Senator Cisco McSorley, co-chair, on Thursday, August 16, 2007, at 10:15 a.m. at the Taos Convention Center in Taos, New Mexico.

**Present**

Sen. Cisco McSorley, Co-Chair  
Sen. Rod Adair  
Rep. Thomas A. Anderson  
Rep. Antonio "Moe" Maestas  
Sen. Richard C. Martinez  
Sen. Lidio G. Rainaldi  
Rep. William "Bill" R. Rehm  
Rep. Peter Wirth  
Rep. Eric A. Youngberg

**Advisory Members**

Rep. Elias Barela  
Rep. Daniel R. Foley  
Sen. Mary Jane M. Garcia (8/17)  
Rep. W. Ken Martinez  
Rep. Jane E. Powdrell-Culbert  
Sen. James G. Taylor (8/16)  
Rep. Teresa A. Zanetti (8/16)

**Absent**

Rep. Al Park, Co-Chair  
Rep. Joseph Cervantes  
Rep. Gail Chasey  
Sen. Kent L. Cravens  
Sen. John T.L. Grubestic  
Sen. Carroll H. Leavell

Sen. Ben D. Altamirano  
Sen. Clinton D. Harden, Jr.  
Sen. Gay G. Kernan  
Sen. Linda M. Lopez  
Sen. William H. Payne  
Sen. John C. Ryan  
Sen. Michael S. Sanchez  
Rep. Sheryl Williams Stapleton  
Rep. Mimi Stewart  
Rep. Thomas E. Swisstack

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Maha Khoury  
Evan Blackstone  
Aldis Philipbar

**Guests**

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

**Thursday, August 16****Committee Business**

Senator McSorley welcomed committee members and guests.

Town of Taos Mayor Bobby Duran and state Representative Roberto "Bobby" J. Gonzales welcomed the committee.

The committee approved the minutes from the previous meeting.

**Sex Crime Prevention: What Works, What Does Not Work and How to Promote Effective Policies**

Jill S. Levenson, Ph.D., Lynn University, provided the committee with a presentation on sex crime prevention in which she presented myths and facts on sex offenders. Dr. Levenson discussed recidivism rates among sex offenders and presented several studies for the committee to review (see PowerPoint handout). She also stated that some sex offenders are more dangerous than others and some are more likely to re-offend. This fact led her to stress the importance of treatment, as well as a risk-based approach to sex offender policy. She stated that Colorado leads the way in terms of sex offender management policy and is a good model to follow.

Dr. Levenson also discussed sex offender registration and notification laws and their unintended consequences. She stated that registration and notification laws often impede employment stability and social support, two of the most important factors in nonrecidivism and recovery. She also discussed the effects of residence restrictions, which often lead to transiency and homelessness, making it harder to track released sex offenders.

Dr. Levenson's presentation was followed by questions from the committee and discussion of the issues.

**Sex Offender Registration and Notification: Current State Law; Costs and Federal Funds**

John Wheeler, chief counsel, Department of Public Safety (DPS), and crime policy advisor to the governor, reviewed the provisions and requirements of the Sex Offender Registration and Notification Act (SORNA). Mr. Wheeler stated that SORNA attempts to bring a multifaceted approach to a complex problem and was originally developed as a tool to aid law

enforcement. He also stated that he is often told by community residents that they appreciate the information available to the public and have based family and community decisions on the DPS web site listing certain sex offenders. Mr. Wheeler also discussed some of the requirements of the federal Adam Walsh Act, stating that New Mexico is already in compliance with 80 to 90% of the act and that no legislation is currently being proposed by the governor with respect to further compliance with the act. Some states currently have qualms with the Adam Walsh Act because their registration requirements differ and because they do not wish to start registering minors at age 14.

Mr. Wheeler stated that the SORNA costs to DPS are around \$200,000 per year. If New Mexico does not comply with the federal registration and notification requirements, Mr. Wheeler states that the state will lose 10% of its entire federal law enforcement funding (not only 10% of the Byrne Grant) for the period of time the state is out of compliance. Currently, law enforcement funding to New Mexico is \$24 million, so the state would lose \$2.4 million in federal funds if it fails to comply.

Tasia Young, contract lobbyist for the New Mexico Association of Counties, addressed the costs of SORNA and federal funding for the counties. She stated that every county in New Mexico she spoke with said that it has received no federal funds to implement SORNA. Counties may be able to apply for grants but right now, they are getting no money. SORNA generates a large workload and takes personnel away from their primary duties. Some counties estimated the costs of SORNA, with Chaves County estimating a conservative cost of \$67,000 annually and other counties saying that SORNA costs them one full-time person and associated costs. Committee members extrapolated a total cost of around \$2 to \$2.5 million for the 33 counties. The counties stated it is time and money they could not spare, that "keeping up with changes in the law is a full-time job", that the rate of re-offending is low and the primary offense is noncompliance with SORNA. However, the web site is a benefit to communities.

Sheriff Romero, Sheriff Gibson and Deputy Sheriff Alvarez were present and stated that SORNA is a burden on their respective departments.

The presentation was followed by a question and answer session and a discussion with committee members.

### **Parole and GPS Monitoring of Sex Offenders**

Charlene Knipfing, Probation and Parole Division director, New Mexico Corrections Department (NMCD), presented information regarding GPS monitoring of sex offenders. She stated that GPS monitoring is not a preventive measure, but more of a deterrent, and that the NMCD is using active GPS monitoring, costing over \$10,000 per year per sex offender with a total cost of over \$350,000 in 2007. This number is expected to reach over \$2 million by 2009, as more sex offenders are released. For more information, refer to the handout in the original meeting folder.

David Jablonski, NMCD, stated that monitoring sex offenders is burdensome, but that his department is doing a good job with the resources available. Gary Carson, regional manager for Bernalillo, Valencia and Sandoval counties, stated the counties have seven probation and parole officers and have diversified their strategy to monitor sex offenders in all three counties. Arlene Manzanares, NMCD, has compiled and maintained a master log of all sex offenders statewide. Ella Frank, Adult Parole Board executive director, stated that the Adult Parole Board is very impressed by the efforts of the Probation and Parole Division. Randall Cherry, general counsel, Sex Offender Management Board (SOMB), reviewed the three studies done on GPS monitoring and stated how GPS monitoring may not be appropriate or cost-effective for all sex offenders. The Tennessee study found little or no difference in recidivism rates between sex offenders monitored by GPS and those who were not monitored for low- to moderate-risk offenders. The monitoring may, however, reduce recidivism for moderate- to high-risk offenders.

The presentations were followed by a question and answer session and discussion among committee members and guests.

### **Sex Offender Treatment: Corrections and the Sex Offender Treatment Program (STOP)**

Donald Montoya, director, STOP, New Mexico Behavioral Health Institute, stated that the STOP has grown to 24 beds, but would require an additional 50 beds throughout the state.

Bianca Martinez McDermott, Ph.D., Mental Health Services Bureau chief, NMCD, presented the committee with information regarding sex offender treatment in the NMCD. In her PowerPoint presentation, she outlined statistics on recidivism rates, as well as risk factors, and discussed treatment. Currently, the program only concerns adults. For more information, see the handout in the original meeting folder.

Jim Vincent, program director, Community Reintegration Unit, NMCD, was also present for questioning. The presentations were followed by questions and discussion by the committee.

### **Sex Offender Management in New Mexico: Developing Issues and Solutions**

Judge Michael Vigil, SOMB chair, discussed the accomplishments of the SOMB. He stated that the SOMB conducted a survey of sex offender treatment programs for juveniles and adults in New Mexico to determine which models are most effective and hopes to adopt best practice guidelines that treatment programs can use. He stated there are not enough treatment programs in the state and that SORNA may create a false sense of security. Mr. Cherry was also available for questions by the committee.

The committee recessed at 5:30 p.m.

**Friday, August 17**

**Committee Business**

Senator McSorley tentatively moved the October meeting to 10/8 and 10/9 due to a national workshop on adult and juvenile female offenders that conflicts with the October meeting.

**Border Violence Division: Legislative Proposal on Human Trafficking**

Maria Sanchez-Gagne, assistant attorney general, Border Violence Division, presented a human trafficking bill to make human trafficking illegal in New Mexico. Currently, human trafficking is only a crime under federal law. Ms. Sanchez-Gagne stated that smaller cases of human trafficking often get overlooked because the state does not currently have jurisdiction over them. Ms. Sanchez-Gagne outlined some of the accomplishments of the Border Violence Division, which was created in 2005 to work with Mexico. Senator Garcia, the bill's sponsor, voiced her support for the bill and was available for questions by the committee. Committee members suggested changes to the bill, including eliminating the task force.

**Status of State Crime Laboratory**

John Krebsbach, administrator of New Mexico's DNA database, provided the committee with an update on the implementation of Katie's Law and DNA collection.

Bill Taylor, director, Property Control Division, General Services Department, stated that the legislature authorized \$1 million last session for the design and planning of a state police laboratory to be located in Bernalillo County. The division is moving forward on obtaining bids but will not allow the planning to be site-specific at this time since there is controversy on where the laboratory will be located.

Paul Cook, deputy secretary for administration, DPS, also offered his reasons as to why the laboratory should stay in Santa Fe, stating that moving the laboratory would weaken northern New Mexico economically and providing other reasons that were challenged by committee members. Ann Talbot, Forensic Labs Bureau chief, DPS, stated that there is a backlog because there are unfilled positions and it is difficult to find experienced forensic scientists. A discussion concerning the location of the laboratory and staffing followed.

**Driving Under the Influence of Drugs: Extent of Problem; Scientific Standards**

David Mills, Scientific Laboratory Division director, Department of Health, discussed the status of DUI in New Mexico. He stated that 23,000 breath tests and 2,500 blood tests were conducted last year and that drugs are only tested for if a person shows signs of impairment and registers below a .08 alcohol level. Mr. Mills stated that there is no science that can link a detected level of drugs (e.g., .08) to impairment. He discussed what other states have done in this area.



Franklin Garcia, Traffic Safety Bureau staff manager, Department of Transportation, discussed the protocol for drug testing during a field sobriety test. Christine Frank, Albuquerque Police Department detective and drug recognition expert (DRE) state coordinator, stated that there are currently almost 100 trained DRE officers in the state. Committee members asked questions of the panel and discussed the issues.

**Public Comment**

Jeff Shannon, a Taos attorney, urged the committee to include a knowledge requirement in any future changes to the law concerning driving under the influence of drugs. He was concerned with per se provisions and cited examples of people being given drugs without their knowledge.

The committee adjourned at 1:30 p.m.

**MINUTES  
of the  
JOINT MEETING  
of the  
WATER AND NATURAL RESOURCES COMMITTEE  
and the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**September 24-25, 2007  
Room 6, Aztec Room  
Ruidoso Convention Center**

The joint meeting of the Water and Natural Resources Committee (WNRC) and Courts, Corrections and Justice Committee (CCJ) was called to order at 8:39 a.m. on Monday, September 24, 2007, by Senator Phil A. Griego, chair, in the Aztec Room of the Ruidoso Convention Center in Ruidoso, New Mexico.

**Water and Natural Resources Committee**

**Present**

Sen. Phil A. Griego, Chair  
Rep. Andy Nunez, Vice Chair  
Rep. Paul C. Bandy  
Rep. Elias Barela  
Sen. Sue Wilson Beffort  
Rep. Joseph Cervantes  
Sen. Mary M. Jane Garcia  
Sen. Clinton D. Harden, Jr.  
Rep. Dona G. Irwin  
Rep. Larry A. Larrañaga  
Rep. Kathy A. McCoy  
Sen. Steven P. Neville  
Sen. Mary Kay Papen  
Rep. Mimi Stewart  
Rep. Don L. Tripp

**Absent**

Rep. Ray Begaye  
Sen. Dede Feldman  
Sen. Cynthia Nava

**Advisory Members**

Sen. Rod Adair (9/24)  
Sen. Vernon D. Asbill  
Rep. Anna M. Crook  
Rep. Nora Espinoza (9/24)  
Rep. Candy Spence Ezzell  
Sen. Cisco McSorley  
Sen. John C. Ryan  
Rep. Henry Kiki Saavedra  
Rep. James R.J. Strickler  
Rep. Peter Wirth  
Rep. Eric A. Youngberg

Sen. Carlos R. Cisneros  
Sen. Timothy Z. Jennings  
Sen. Gay G. Kernan  
Rep. Rhonda S. King  
Rep. Ben Lujan  
Rep. James Roger Madalena  
Rep. Danice Picraux  
Sen. Leonard Lee Rawson  
Sen. Nancy Rodriguez

## **Courts, Corrections and Justice Committee**

### **Present**

Rep. Al Park, Co-Chair  
Sen. Cisco McSorley, Co-Chair  
Sen. Rod Adair (9/24)  
Rep. Thomas A. Anderson  
Rep. Joseph Cervantes  
Sen. Richard C. Martinez  
Sen. Lidio G. Rainaldi  
Rep. William "Bill" R. Rehm  
Rep. Peter Wirth  
Rep. Eric A. Youngberg

### **Absent**

Rep. Gail Chasey  
Sen. Kent L. Cravens  
Sen. John T.L. Grubestic  
Sen. Carroll H. Leavell  
Rep. Antonio "Moe" Maestas

### **Advisory Members**

Rep. Elias Barela  
Rep. Daniel R. Foley (9/24)  
Sen. Mary Jane M. Garcia  
Sen. Clinton D. Harden, Jr.  
Sen. John C. Ryan  
Rep. Mimi Stewart  
Sen. James G. Taylor  
Rep. Teresa A. Zanetti

Sen. Ben D. Altamirano  
Sen. Gay G. Kernan  
Sen. Linda M. Lopez  
Rep. W. Ken Martinez  
Sen. William H. Payne  
Rep. Jane E. Powdrell-Culbert  
Sen. Michael S. Sanchez  
Rep. Sheryl Williams Stapleton  
Rep. Thomas E. Swisstack

### **Guest Legislator**

Rep. Daniel P. Silva

(Attendance dates are noted for members not present for the entire meeting.)

### **Staff**

Gordon Meeks  
Maha Khoury  
Aldis Philipbar

### **Guests**

The guest list is in the original meeting file.

### **Monday, September 24**

John Underwood, lobbyist for Ruidoso, began by welcoming the committee and pointing out that the legislature helped fund the convention center in which the meeting was taking place. Senator Adair then welcomed the committee to his district and introduced Alvin Jones, a state district attorney, and Jackie Powell, a county commissioner. The committee members introduced themselves and Representative W.C. "Dub" Williams welcomed them.

## **Ruidoso and Hondo Valley Water Issues**

Ms. Powell discussed the immediate challenges facing Ruidoso and the Hondo Valley, including depleting flows in the Rio Ruidoso, raw sewage, poorly treated sewer plant effluents and water transfers. She gave a general description of the Rio Ruidoso watershed and the main users, i.e., the villages of Ruidoso and Ruidoso Downs and the farmers along the river valley. She told the committees that Eagle Creek, an entirely separate stream, was erroneously described as having 5,000 acre-feet of water available. The most water produced in any given year from Eagle Creek has been 1,200 acre-feet of water. The two villages are now hoping and planning to find water from the agricultural producers downstream to provide the water needed for their growth. Most of the streams in the valley have been overdrawn so that now agriculture is limited to torrential waters and supplemental wells because the natural flows of Rio Ruidoso have all been diverted. As water is removed from agriculture upstream, noxious weeds are also becoming a major issue. Ms. Powell commended the municipal employees for their work, but she noted that the villages have not yet solved their water quality or quantity problems and agriculture is continually pressured.

Mr. Jones, attorney for the Village of Ruidoso, summarized Ruidoso water rights and expressed appreciation for Ms. Powell's comments. He discussed permit transfers and the application process for obtaining a permit. Mr. Jones stated that the Village of Ruidoso is tightly regulated and conducts monthly reviews with the Office of the State Engineer (OSE). Mr. Underwood then explained Ruidoso's plans and current situation. He said that an application for a new wastewater treatment system has been submitted. He then explained the hookup of the Mescalero Inn of the Mountain Gods to the village system. Mr. Underwood stated that the wastewater system must be addressed in a conscientious manner.

Questions and discussions included the following:

- rates charged to water users;
- bonding capacity;
- the lawsuit of homeowners on opposite sides of Eagle Creek over contaminated wells;
- the prospect for a negotiated solution to objections over village permits;
- the potential terms of a negotiated settlement;
- total cost of treatment plan and phasing;
- support for designating a percentage of gaming revenue to go into infrastructure;
- acquisition of water rights for development;
- status of forest thinning;
- the Forest Guardians lawsuit;
- number of requests for water projects (\$2 billion total in 2007);
- population of Lincoln County;
- requirement of water rights for development and golf courses (not subdivisions);
- state and local financing is out of proportion to the funding that the federal government has committed;
- proportions of government's and legislature's funding;
- the economy of the Ruidoso/Lincoln County area and oil and gas revenues;
- Rio Bonito water rights and use of domestic wells in subdivisions in that basin;

- critical management area rules' limits on domestic wells permits;
- the appearance of phosphorous in high mountain streams due to failure of the wastewater treatment plant;
- problems with rules and regulations hampering economic development;
- the state applying more stringent standards in regard to nitrogen levels than federal regulations, causing the new plant to fail to meet new regulations; and
- funding requests for water projects to include capital outlay funds for each legislator.

## **Water Adjudication Reform**

State District 3 Judge Jerald Valentine, Special Master Steve Snyder and Celina Jones, Administrative Office of the Courts (AOC), stated that there are no standards for conducting adjudications across the states, but there are many similarities between select western prior appropriation states. Ms. Jones said that New Mexico is trying to learn from common conceptual approaches in the states where a judicial officer has reported that adjudication procedures are successful to see what works best. The study was performed under the assumption that the purpose of adjudication is to compile a list of water rights and related elements. The other states examined by the AOC employ a claim-based adjudication system in which a claimant is required by law to prepare and file a water rights claim with either the court or the state water agency. The water rights claim must be filed by a statutory deadline.

Mr. Snyder identified several states with water rights adjudications procedures worth studying in relationship to New Mexico's. He summarized an AOC memorandum and a table comparing New Mexico, Idaho, Montana and Colorado. He said that other states have full-time water courts. Mr. Snyder said that general stream adjudications are different from regular lawsuits in that they are more technical due to a requirement to establish an inventory or accounting system for water. They each involve investigation into the water rights of a particular area. New Mexico adjudications are based on a 1907 statute and regulations developed by the OSE in the 1950s. Currently, New Mexico has a different process than other states in identifying claimants. The OSE prepares documents that lay out what the claimant's water rights are, which is a time-consuming project, and then the claimant is made a defendant in a lawsuit. In other states, the claimant files a personal claim that is reviewed by the state water agency for accuracy and validity, i.e., claims-based adjudications. In other states, the state water agency is not a party to a lawsuit, unlike in New Mexico, where the state engineer is in the awkward position of suing state residents who have water claims. The focus of other states' water agencies' duties in adjudications is to serve as a technical reviewer of the water rights claims and as a technical adviser to the courts.

The AOC began meeting with the OSE a few months ago, Mr. Snyder said, in attempts to develop improvements in the adjudication process that might result in less adversarialness and more positive participation by water rights claimants. Judge Valentine began participating in those discussions because of his role as presiding judge on the lower Rio Grande adjudication and as chair of the state supreme court's committee on water. The AOC emphasized that the development of procedural reforms should precede the identification of changes to the water court structure.

Judge Valentine then gave a brief summary of New Mexico water statutes that deal with water adjudications. He explained that the purpose of water adjudication is to give the OSE the means to manage the state's water rights. He said there are a number of problems that cause the process to be slow. He started looking at the issues five years ago because of the problems on the lower Rio Grande adjudication. Coincidentally, he looked at the same states that the AOC has been reviewing: Colorado, Idaho and Montana. He emphasized that as the committees look at these issues, they need to realize that under the New Mexico Constitution, the legislature cannot change the procedural rules that govern a particular adjudication while it is in process, but that conceivably it can change the rules prior to the initiation of a new adjudication, i.e., the middle Rio Grande.

Judge Valentine highlighted some of the issues that are slowing down the adjudication process:

- inability of the OSE to maintain up-to-date water ownership records;
- lack of timely and efficient use of hydrographic surveys;
- the historical OSE opposition to general stream adjudications;
- lack of legislative appropriations for adequate resources;
- inadequate judicial case management procedures;
- inadequate OSE field staff, as opposed to legal staff;
- a breakdown of court records related to water rights; and
- unreliability of hydrographic surveys as prima facie evidence of a water right (water use is too variable).

Judge Valentine's handout described some funding needs that the legislature should consider:

1. the Joe M Stell Ombudsman Program;
2. additional field staff in the OSE;
3. referees for the courts;
4. software development for the OSE's WATERS and WRATS databases to interact; and
5. improvements to the courts' FACTS case management system.

Judge Valentine, Ms. Jones and Special Master Snyder said that caution is needed in contemplation of changes to the adjudication process.

On a motion made and seconded, the minutes of the previous meeting of the WNRC were unanimously approved.

On a motion made and seconded, the minutes of the previous meeting of the CCJ were unanimously approved.

Questions and comments on water rights adjudications reform included the following:

- anticipated problems of adopting other state plans;
- frequency of forfeiture of water rights;

- description of conventional cases and progress to settle;
- lack of resources as a continuing problem (use of hydrographic surveys have contributed to this delay);
- adjudication as a necessary management tool because it helps determine how much water is available for appropriation;
- no deadline imposed on water adjudications;
- filing claims takes a lot of resources (i.e., lawyers; other states use technicians for technical issues);
- convert as much of this process as possible to a nonadversarial process;
- water courts are not a good idea because they are inefficient (but Judge Valentine suggested there be a chief water judge);
- an honest budget is needed as opposed to a flat budget;
- default on water rights adjudication relying on hydrographic survey results;
- dependency of the lower Rio Grande adjudication on the middle Rio Grande;
- federal rights need to be mediated not adjudicated;
- details of the OSE budgets;
- use of licensure;
- inherent intimidation of litigating water rights;
- role of the attorney general;
- prospects for automating the courts and the OSE's case management procedures;
- reform of the court structure to better accommodate water adjudications;
- who should lead an effort to redraft statutes;
- the need for better definition of adjudication procedures in the statutes;
- the percentage of default judgments and disputed cases;
- this year's budgeting schedule;
- budgeting committees' processes;
- too many agencies involved in water administration;
- Water Subcommittee of the House Appropriations and Finance Committee;
- the burden of proof in New Mexico of water rights claims; and
- the typical profile of default settlements.

#### **Proposals to Expedite Adjudications:**

- **Rio Chama Template for Expediting Water Adjudications**
- **Proposed Schedule for Conducting Future Adjudications**
- **Budget Requirements**

John D'Antonio, state engineer, said that the OSE faces special challenges in New Mexico in regard to water rights adjudication. They include:

1. the large number of Indian claimants who have rights going back to Spanish and Mexican rule;
2. the large number of early, poorly documented non-Indian claims;
3. informal acequia traditions;
4. extreme aridness of New Mexico and climate variability;
5. interstate compact delivery obligations;

6. multiple, simultaneous, complex adjudications; and
7. New Mexico's cultural diversity.

The OSE provided a handout that showed a \$6.971 million budget for all operations of the litigation and adjudication program, of which \$6.299 million is for water rights adjudications. The current primary adjudications are being undertaken by the Pecos Bureau, the Lower Rio Grande Bureau and the Northern New Mexico Bureau. The following summaries of the status of the following adjudications were included in the handout:

Lower Rio Grande:

- subfile orders have been entered by the court for 4,300 subfiles, about 33% of the approximately 13,150 subfiles in the lower Rio Grande, and the court has ordered that all known claimants be joined before resumption of service of offers of settlement;

Pecos River:

- Gallinas portion of the Pecos adjudication is proceeding with determination of the Las Vegas rights expected in 2008; and
- anticipated completion of the Carlsbad Irrigation District (CID) membership phase is set for 2007 and initiation of the CID *inter se* phase is expected in 2008; and

Northern New Mexico:

- 85% of the subfiles on the Rio Chama have been entered, covering 16,000 acres above Abiquiu;
- began subproceeding in 2007 to adjudicate Ohkay Owingeh rights;
- Taos Valley (*Abeyta* case) negotiated settlement pending congressional approval and contingent on state matching funds;
- Pojoaque Valley (*Aamodt* case) negotiated settlement pending congressional approval and contingent on state matching funds and began hydrographic survey of ground water to adjudicate domestic wells by 2012;
- settlement negotiations with the Pueblos of Jemez, Zia and Santa Ana begun in 2007;
- Pueblo of Zuni subproceeding begun in 2007;
- Pueblos of Acoma and Laguna under active adjudication;
- San Juan River has 600 parties joined, with 104 consent orders and 65 subfiles adjudicated since 2006;
- Navajo Nation-negotiated settlement signed in 2005, pending congressional approval and contingent upon state match;
- Santa Fe continuing adjudication;
- Red River: final decree on nonfederal water rights entered in 2000, but post-decree issues arose from Cabresto storage right in 2005, litigation pending; and
- Santa Cruz/Truchas in pending Ohkay Owingeh adjudications.



D.L. Sanders, OSE general counsel, gave a status report on the OSE adjudications caseload and said that the OSE is improving its current processes. It will cost an estimated \$94.5 million to complete the existing adjudications within 15 years. A dedicated budget of \$17 million per year will be required to complete an estimated 180,000 adjudication cases over the next 40 years. Mr. Sanders said that a new procedure for dealing with the middle Rio Grande would likely not reduce the cost. Greg Ridgley, OSE counsel, also discussed water adjudication issues and answered questions from the committee.

Questions and comments included the following:

- not looking to other states to improve process is a copout;
- participation of the OSE with the AOC to improve adjudication procedures;
- OSE preparation of its own white paper on reform;
- legislators told the OSE that more money for adjudication will depend on progress in reforming that process;
- transfers of water rights records out of district offices;
- role of district offices in adjudication;
- use of the ombudsman program to reduce intimidation and the appropriate timing of ombudsman services;
- half of appropriated funds go to hydrographic survey/fieldwork;
- Idaho adjudication process;
- discussion of the process of hydrographic surveys;
- prioritization of adjudications;
- the OSE requesting capital outlay money for metering;
- how to return rights that were denied;
- San Juan irrigators do not support the Navajo settlement;
- status of lower Rio Grande adjudications;
- problems, miscommunication and misunderstandings caused by the state engineer being confined to flat-budget requests by the governor when expediting adjudications will necessitate increased budgets by each participating institution;
- detailed description of the process;
- use of the Water Project Fund for adjudications;
- how protested cases are resolved;
- compliments to Joey Fields in the OSE for his handling of a difficult constituent request;
- the Winters Indian water rights doctrine;
- a specific case in Dona Ana County where a claimant lost water rights;
- history of the protocols of hydrographic surveys;
- why hydrographic surveys are part of the process;
- results of the *Reynolds* decision overturning much of the Active Water Resource Management (AWRM) rules;
- whether or not prior appropriations is the doctrine of water law in New Mexico;
- whether the OSE intends to implement AWRM despite the *Reynolds* decision;
- the reason the Rio Chama template is not used in the Gallinas adjudication;
- where the automobile hybrid appropriation from the Water Project Fund came from;
- criteria for funding water projects from the Water Project Fund; and

- offers of settlements being made based on consumptive rights rather than diversion rights.

Senator Griego distributed a prepared set of questions for the OSE, based on questions from the WNRC's Taos meeting, among the committee members and the panel. He requested that the OSE respond in writing to those questions and return to the next meeting with the answers. The questions included the following subjects, among others:

- does OSE favor junior users (municipalities) over senior users (agriculture);
- authorizing statute to conduct metering;
- total cost of WATERS;
- when is pro se litigation opposed in adjudications;
- how many water rights claimants are there in New Mexico;
- applicability of AWRM rules in lieu of the *Reynolds* decision;
- the reason for not using the template in the Rio Gallinas adjudication;
- who added the hybrid auto plant to the appropriation bill last year;
- criteria for water projects; and
- offers of settlements based on consumptive rights rather than diversion rights.

### **The Role of Ombudsman and Interveners in Water Adjudication**

Steve Hernandez, attorney, stated that there are issues with people not opening/returning mail regarding water rights due to intimidation. There is much confusion over water rights. He gave examples of individual claimant's experiences. They included:

- acreage disputes;
- misunderstanding of the process;
- acreage measurements not matching titles and deeds;
- lack of probate under family bequests; and
- inaccurate recording or failure to record easements.

He said that adjudications force people to get their houses in order.

Susan Kelly, Joe M Stell Ombudsman Program, Utton Center, explained the services of the ombudsman program in adjudications. This is the first year the program has had state funding. The Utton Center takes calls regarding water rights issues to help people understand the process. She gave examples of the service in various adjudications.

Questions and comments included the following topics:

- nothing is going on in the middle Rio Grande;
- the ombudsman program has been approached about the middle Rio Grande, but is currently only working on active adjudications;
- hope is that funding will be a part of the higher education budget;
- anticipated increase in funding; and
- how much does an ombudsman's service cost in an average intervention and for the 180,000 estimated settlements in the middle Rio Grande.

The meeting recessed at 6:30 p.m.



**Tuesday, September 25**

**Pecos River Settlement**

A.J. Olsen, attorney, stated that the Pecos Valley Artesian Conservancy District (PVACD) was established in 1932. It is the only artesian conservancy in New Mexico and is funded by property taxes. The PVACD is 20-25 miles wide and extends from southern Chaves County north of Roswell to northern Eddy County just north of Carlsbad. At one time, the district included 144,000 acres under irrigation. That number has since been reduced to less than 110,000 acres. This has been a tremendous hit to the local economies.

The lower Pecos River settlement came out of a CID priority call and a 1988 supreme court order. In 2001, a drought brought all the large water users together in an ad hoc committee to determine how to make compact deliveries. This reduction has resulted in an economic hit to the surrounding communities. It takes 20 to 40 years to return lands to their natural state. In March 2003, the settlement agreement was signed. Mr. Olsen said that progress is being made thanks to funding from the legislature to make land purchases. Mr. Olsen said that the PVACD is currently in compliance with 80,000 acre-feet in credits at the state line. Once the PVACD reaches 115,000 acre-feet in credits, it can begin the process of selling water rights back to original owners. Mr. Olson also discussed HB 1278, which would have provided for an alternate method of acquisition to separate water rights from land to allow owners to retain land. HB 1278 was vetoed by the governor. Mr. Olsen asked the committees for assistance when the bill is reintroduced in the 2008 session.

Questions and comments included the following:

- salt water going into the Pecos River as a credit against New Mexico's compliance obligations;
- the potential to sell the land back to the original owners;
- requesting a letter from the governor as to why he chose to veto the bill;
- a potential veto override;
- 25,055 irrigated acres in CID;
- that current statute and settlement mandate that land and water rights be purchased together;
- municipalities can purchase water rights without purchasing land;
- water rights on purchased lands are being severed and transferred to augmentation wells for compact compliance;
- management of land after severance of the water rights to prevent invasion of noxious weeds;
- statutes requiring good land stewardship;
- inflation of land values as a result of the settlement conditions;
- water rights retirement program linked to settlement and not statewide;
- the provision in law to prevent double dipping of the water balance;
- phreatophyte treatments on the Pecos River;
- livestock grazing on retired land;
- loss of tax base from 18,000 retired acres; and
- buy-back provision at appraised value.

### **Challenging Energy Era**

Art Hull, lobbyist, Public Service Company of New Mexico (PNM), stated that New Mexico is experiencing higher energy consumption due to refrigerated air, laptops, cell phones and larger homes. PNM estimates a 40% increase in energy consumption by 2030. New Mexico will need to invest \$400 billion in energy infrastructure to accommodate this growth. Rates at PNM have been frozen since 2003 in spite of increasing costs to the company. PNM will spend \$2 billion over the next five years to meet the energy consumption of New Mexico consumers, he said. In 2007, PNM filed for a rate increase to cover these costs. If approved by the Public Regulation Commission (PRC), customers will see a one-time 20% increase in their base rates. Mr. Hull discussed alternative energy solutions and stated that PNM constructed the third-largest wind farm in the world.

Questions and comments included the following:

- the average increased cost to customers will be \$100 per year;
- the need to double infrastructure nationwide — \$2 billion in New Mexico;
- rates set by the PRC;
- nuclear power as an optional energy source;
- stock value of PNM;
- 18% base rate increase, two percent adjustment for additional costs;
- no new transmission lines since 1989;
- how will PNM help low-income families pay for the increase;
- PNM works with communities to help find ways to reduce costs (e.g., reducing usage, weatherization, increasing efficiency, etc.);
- PRC adopted a rule requiring 20% of the renewable portfolio to be solar;
- solar energy is the most expensive;
- hydroelectricity;
- PNM uses tiered rates based on usage;
- suggestions to give incentives to customers who reduce their usage; and
- the only nuclear plant PNM has interests in is Palo Verde.

### **Grazing Units and Damage on National Forest Allotments and Otero County Resource Management Program**

Dr. Martin Moore, Otero County administrator, introduced the panel to discuss this issue.

Charlie Walker, Otero County rancher, gave a brief history of ranching in the west and grazing practices. He claims that the U.S. Forest Service (USFS) does not have the authority to manage grazing or charge grazing fees. Mr. Walker said that proper range management is based on science. Elk, which were brought in by the Mescalero Apache, have become a huge problem for ranchers. Elk compete with cattle for forage. The USFS has reduced the number of cattle allowed on grazing allotments, but seven elk consume the same amount as 10 head of cattle. Mr. Walker requested elk tags for ranchers and hunting allotments provided to landowners so they can stay in business. He also wants the State Game Commission to change the formula for allotment owner tags.

Frances Goss, Otero County rancher, told the committee about her personal experiences with the USFS and grazing rights. In the early 1990s, she said, the USFS wanted to remove everyone with cattle from the Lincoln National Forest — "cattle free by '93". In 2000, there was a drought and the USFS reduced her cattle from 553 to 330, cutting her income by one-third. The Range Improvement Task Force found a ratio of 187 elk to 71 cattle, but the USFS maintains that it could not cut the elk. The Goss' property received 35 inches of rain in the last year, and the USFS agreed to increase the number of cattle by 40 head. Ms. Goss stated that not all federal lands are public lands and her family is bearing the cost of supporting the elk. She feels this constitutes a taking without just compensation but her family has decided not to sue on those grounds, even though her family has lost \$669,000 since 2001. She said that David Sanchez was paid for his losses by the Department of Game and Fish (DGF), but not her, even though the former director of the department told her that her family could get paid for the losses.

She testified that the supreme court ruled in 1928 that the USFS could protect the resources by killing game animals that damaged the federal resources, thereby preempting state laws. Mr. Walker and Ms. Goss requested legislation requiring DGF to use sound science in managing game. A recent DGF study showed that more elk and cattle could be put on the allotments.

Doug Moore, chair, Otero County Commission, said that elk are technically trespassing; if it were a cow or a horse, measures would be taken to remove the animal. There has been a two percent reduction in meadow size. Dr. Martin Moore, Otero County administrator, requested a task force involving the appropriate parties to work together to develop state policy. He requested that the legislative body adopt a joint resolution that recognizes and develops a workable compensation program for landowners and public land livestock producers; focuses on the habitat that sustains livestock, elk and native ungulates; and redirects attention toward science-based management.

Senator Griego told the presenters he will request an extra day in November for the WNRC to bring all of the appropriate parties to the table to discuss this issue.

Questions and comments included the following:

- the absence of USFS representation at the meeting even though the agency was invited to have its views presented;
- the problem is with USFS management;
- stories about wildlife damage;
- the DGF statement to the USFS that resources are not in jeopardy, so there is no justification for reducing the herd; and
- the DGF taking away ranchers' livelihood.

### **Watershed Action**

Bill Mershon, chair, Otero Soil and Water Conservation District, stated that Otero County governs most of the Sacramento Mountains, which comprise the watershed for Tularosa. The Penasco River has dried up for the first time in over 60 years and the landscape has changed drastically since then. The drying of the river predates the drought. Mr. Mershon said that the landscape is not characterized by 1,600 trees per acre when the natural growth is only 40 to 50

trees per acre. Mr. Mershon requested funding from the legislature in 2005 to conduct a geological study of the Sacramento Mountains. He said that science is needed to understand how the watershed functions.

Peggy Johnson, Bureau of Geology and Minerals, stated that in 2005 the bureau began a hydrological/geological study in the Sacramento Mountains, and the study has been expanded to include a watershed study. The bureau will monitor spring and discharge levels and collect baseline data over three years. So far, the study has identified three drainages on private and USFS land.

### **State Forester Work Plan**

Butch Blazer, state forester, outlined the objectives and strategies of the Forestry Division of the Energy, Minerals and Natural Resources Department in regard to forest and watershed management, community forestry, wildland fire management and capacity development. He discussed the Forest and Watershed Office Plan of Work that was developed by the Forest and Watershed Health Office staff. Mr. Blazer said that the Forest and Watershed Health Coordinating Group is made up of members from a variety of agencies, including New Mexico State University, the Bureau of Indian Affairs, the New Mexico Department of Environment and the Natural Resource Conservation Service. He stated that federal allocations for the Lincoln and Otero county areas total over \$4 million, which are used to assist the areas in conducting wildland urban interface, hazardous fuel reduction and forest and watershed restoration projects.

Questions and comments included the following:

- no public members on the Forest and Watershed Health Coordinating Group;
- the biomass processing facility and market for forest products;
- natural tritium sources; and
- use of tritium for water tracing (dating the water source).

The meeting adjourned at 1:24 p.m.

**MINUTES**  
**of the**  
**FIFTH MEETING**  
**of the**  
**COURTS, CORRECTIONS AND JUSTICE COMMITTEE**  
**October 15-16, 2007**  
**Room 307, State Capitol**  
**Santa Fe**

The fifth meeting of the Courts, Corrections and Justice Committee for the 2007 interim was called to order by Representative Al Park and Senator Cisco McSorley, co-chairs, at 10:20 a.m. on Monday, October 15, 2007, in Room 307 of the State Capitol in Santa Fe, New Mexico.

**Present**

Rep. Al Park, Co-Chair  
Sen. Cisco McSorley, Co-Chair  
Sen. Rod Adair (10/15)  
Rep. Thomas A. Anderson  
Rep. Joseph Cervantes  
Rep. Gail Chasey (10/16)  
Sen. John T.L. Grubescic (10/15)  
Sen. Richard C. Martinez  
Sen. Lidio G. Rainaldi  
Rep. William "Bill" R. Rehm  
Rep. Thomas E. Swisstack (10/15)  
Rep. Peter Wirth  
Rep. Eric A. Youngberg

**Absent**

Sen. Kent L. Cravens  
Sen. Carroll H. Leavell  
Rep. Antonio "Moe" Maestas

**Advisory Members**

Sen. Ben D. Altamirano (10/15)  
Sen. Clinton D. Harden, Jr.  
Rep. W. Ken Martinez  
Rep. Jane E. Powdrell-Culbert  
Sen. John C. Ryan  
Rep. Sheryl Williams Stapleton  
Sen. James G. Taylor (10/15)

Rep. Elias Barela  
Rep. Daniel R. Foley  
Sen. Mary Jane M. Garcia  
Sen. Gay G. Kernan  
Sen. Linda M. Lopez  
Sen. William H. Payne  
Sen. Michael S. Sanchez  
Rep. Mimi Stewart  
Rep. Teresa A. Zanetti

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Maha Khoury  
Evan Blackstone  
Aldis Philipbar



**Guests**

The guest list is in the meeting file.

**Handouts**

Copies of handouts are in the meeting file.

**Monday, October 15**

Senator McSorley began by reminding the committee members that they are all invited to attend the Economic and Rural Development Committee meeting on October 25 to discuss predatory lending.

**Report from the New Mexico Sentencing Commission**

Mike Hall, executive director, New Mexico Sentencing Commission (NMSC), began by introducing several University of New Mexico graduate students in the audience. He then discussed HB 738 that prevents access to juvenile information by the public. He quickly reviewed the Consolidated Offender Query Program, which allows law enforcement agencies to access information on offenders, including juveniles. He said the commission is currently working with the Children, Youth and Families Department (CYFD) to include abuse and neglect information as well. A demonstration of the program was set up in the back of the committee room and members were invited to view demonstrations.

Tony Ortiz, deputy director, NMSC, discussed the gender-specific programming project and the development of programs geared specifically toward women in order to have a higher success rate during parole and while on probation. Dan Cathy, NMSC, said that women come into the criminal justice system through certain pathways, usually through abuse experienced in childhood. He said that the corrections system can make an impact on these women through specific programs.

Paul Guerrin, Ph.D., discussed the bias-based policing project being developed. He stated that minorities are pulled over by police more often than whites and this may be due to several factors, including unconscious racism, outright racism, racial profiling and the presence of more police officers in minority areas. Mr. Guerrin said that 14 states currently collect data and require officers to fill out a form when a stop is conducted. He said that the commission looked at five methods of collecting data and chose the survey method. This method involves conducting surveys of the public and of police officers to find out about traffic stops. Mr. Guerrin went on to discuss the Controlled Release Program, which would allow nonviolent offenders to live in the community during the last six months of their sentence. He stated that 193 offenders would be eligible for controlled release next year.

Mr. Hall reviewed the commission's findings on the necessity and cost of diagnostic evaluations conducted by the Corrections Department. He said the NMSC is currently looking to see whether diagnostic evaluations could be conducted on an outpatient basis, saving time, money and beds. Linda Freeman, research scientist, discussed the Violence Against Women Act, and said that the current system is not recording the data needed to study this problem.

Mr. Ortiz discussed the workload study completed by the commission this year and said it worked closely with the judiciary, the district attorney's office and the Public Defender Department to obtain the data needed, and that the data can now be updated on a regular basis as the groundwork has been completed. The data will be useful in funding decisions. Ms. Freeman stated that this study was unique because it used all the staff in the various departments as opposed to taking a random sample of participants. Renada L. Peery, Legislative Finance Committee (LFC), expressed concerns with the study's methodology and discrepancies between attorneys with full caseloads and those with little or no caseloads.

The committee recessed for lunch at 12:39 p.m.

### **Juvenile Justice and Behavioral Health**

Judge Barbara J. Vigil, First Judicial District, said she sees the poorest children with the most extreme behavioral health needs on a day-to-day basis in her courtroom. She said she is concerned with ValueOptions management because she has seen a drastic cut in services for the poor. She has also seen a decrease in mental health services for youth and the elimination of residential youth treatment centers. Judge Vigil has a deep concern over the corporate philosophy of ValueOptions because it is in direct conflict with the best interests of the children of New Mexico. She said that there is not one judge who feels ValueOptions is favorable for the poor and the decisions of judges are undermined when treatment ordered by a court is denied by ValueOptions. She said that the denial of mental health treatment will not only have an adverse effect on the individual, but on the community as a whole.

Roger Gillespie, director, Juvenile Justice Services, CYFD, said that mental health and substance abuse are the biggest problems affecting kids coming into CYFD. He said there are not enough behavioral health providers and it is difficult to find services in rural areas. He said that the CYFD is adding transitional living beds for independent and semi-independent living and that the CYFD is working with ValueOptions.

Carlos Gomez, ValueOptions, went over the different kinds of services offered by ValueOptions and its accessibility to providers and clients. He said that New Mexico needs to move more toward community-based care. Mr. Gomez said that ValueOptions is using 63% of its funding on out-of-home care and that it is looking for the least restrictive and most normal care for these children. He said that the sooner children's issues can be identified, the sooner behavioral health can be implemented.

Representative Thomas E. Swisstack, Bernalillo County Juvenile Detention director, said that there are 600,000 juveniles under age 18 in New Mexico, of which 5,000 are in the juvenile justice system. The largest juvenile detention center in the state processes 3,000 kids a year. Of the 1,500 that the detention center holds per year, one-half of them have a mental health diagnosis. Representative Swisstack stated that 38% of juveniles released from residential treatment facilities reoffended within six months whereas 18% of those who returned to homes reoffended. High-needs kids become high-risk because their problems are not dealt with initially. He said that the quality programs need to be expanded in the community.

Representative Swisstack indicated that the educational system should be used as a nucleus because it is the next most important group in a child's life after family.

Committee members asked questions of the panel, stated opinions and discussed alternatives and solutions.

On a motion made, seconded and approved, the committee unanimously approved the minutes of the September meeting.

### **Legislative Proposals from the Attorney General**

Gary King, attorney general, introduced staff members and gave a brief overview of the Attorney General's Office proposed criminal law legislation. The legislation related to the following:

- revisions to the Family Violence Protection Act;
- uniform interstate enforcement of domestic violence protection orders;
- no polygraph tests for certain victims of sex offenses;
- HIV testing of alleged sex offenders;
- allow consecutive sentencing for felony-murder and the underlying felony;
- prohibit tampering with an ignition interlock device;
- include felony DWI in habitual offender law;
- lack of consent in certain sex offenses;
- include insurance fraud in the crime of racketeering;
- allow aggregation of false insurance claims to determine penalty;
- human trafficking update; and
- child abuse multidisciplinary teams.

The committee recessed at 5:30 p.m.

### **Tuesday, October 16**

#### **Report from the Judiciary**

Judge James Wechsler, New Mexico Court of Appeals, discussed the judiciary's unified budget and stated that the judiciary looked at objective measures to come up with the budget. Judge Wechsler and Arthur Pepin, director, Administrative Office of the Courts (AOC), then reviewed the judiciary's budget priorities, including:

- adequate base budgets;
- staff and judicial salaries;
- new judgeships;
- new staff;
- children's initiatives;
- drug courts and mental health courts; and
- access to justice; court reporters; and court interpreters.

Judge Wechsler and Mr. Pepin went over legislation proposed by the judiciary. Chief Justice Edward L. Chavez, New Mexico Supreme Court, discussed the judiciary's priorities and

budget and, along with Justice Bosson, answered questions from the committee. The caseload study conducted by the AOC, reflecting the caseload of every judge across the state, was discussed by committee members, judges, justices and the AOC. New Mexico Court of Appeals Judge Bustamante discussed the status of the new court of appeals building in Albuquerque.

Fern Goodman, general counsel, AOC, stated that the AOC is trying to make sure every magistrate court is video capable, but it is having trouble finding funding. The goal is to have video equipment in every courtroom. The panel also stated that judges with small caseloads are being trained to assist judges with larger caseloads and that each judicial district has a designated "water judge". They also stated that the courts are required to provide interpreters for jury members and they received \$104,000 in capital outlay money to purchase equipment for translating. Judge placement depends on need, but is ultimately decided by the chief district judge. The discrepancy in resource allocation was also addressed. For example, Mr. Pepin stated that Bernalillo County needs 10 more judges, but the new judgeships were not requested because there is no available space for them.

### **Funding for Civil Legal Services**

Chief Justice Chavez said that the legal needs of low-income families are not being met. New Mexico Legal Aid turns away 18,000 clients a year due to a lack of funding. A committee has been established to come up with creative ways of getting families legal representation. A pro bono committee has also been set up and various plans have been implemented to aid low-income families, but these efforts are not enough. Chief Justice Chavez said that \$8 million would be needed to meet the legal needs of the 18,000 who are not being represented.

John Arango, commissioner, Civil Legal Services Commission, stated that the commission requests that \$1.5 million be added to the \$2.5 million in recurring funds. He said that this will get the commission about half of the money needed to meet the legal needs of low-income families.

In response to questions from the committee, the panel said that the supreme court is reluctant to increase the legal fees of those who can afford it in order to pay for those who cannot. Chief Justice Chavez said that he is not a fan of immunity for pro bono lawyers because it takes away accountability. Instead, he favors enhanced training in areas that affect the poor, like housing, employment and consumer protection.

**Probation Officers in Magistrate Court: Misdemeanor Compliance Program**

Robert Corn, Chaves County magistrate, reviewed the Chaves County monthly probation report and said that the systems differ by court. Pat Casados, Los Alamos County magistrate, said that some counties have lots of resources, while others do not. She said that she would like to see funding that brings consistency across the state. Richard "Buzzy" Padilla, Santa Fe County magistrate, said that Santa Fe has compliance officers who supervise about 200 clients, mostly domestic violence cases. He emphasized that, with probation officers, it would be difficult to ensure that offenders are in compliance with their probation plan. Mr. Padilla said they are trying to increase funds in order to increase the compliance officer position. He said he hopes that the committee will support compliance officers in the state. Committee members asked questions of the panel.

There being no further business, the committee adjourned at 2:00 p.m.

**MINUTES  
of the  
SIXTH MEETING  
of the  
COURTS, CORRECTIONS AND JUSTICE COMMITTEE**

**November 19-20, 2007  
Room 307, State Capitol  
Santa Fe**

**(not approved)**

The sixth meeting of the courts, corrections and justice committee (CCJ) was called to order by Senator Cisco McSorley, co-chair, at approximately 10:15 a.m. on Monday, November 19, 2007, in room 307 of the state capitol in Santa Fe, New Mexico.

**Present**

Sen. Cisco McSorley, Co-Chair  
Rep. Al Park, Co-Chair  
Sen. Rod Adair (11/20)  
Rep. Thomas A. Anderson  
Rep. Gail Chasey  
Sen. John T.L. Grubescic  
Sen. Carroll H. Leavell  
Rep. Antonio "Moe" Maestas  
Sen. Richard C. Martinez  
Sen. Lidio G. Rainaldi  
Rep. William "Bill" R. Rehm  
Rep. Peter Wirth

**Absent**

Rep. Joseph Cervantes  
Sen. Kent L. Cravens  
Rep. Eric A. Youngberg

**Advisory Members**

Rep. Daniel R. Foley  
Sen. Clinton D. Harden, Jr.  
Sen. Linda M. Lopez (11/20)  
Rep. Jane E. Powdrell-Culbert  
Sen. John C. Ryan  
Rep. Sheryl Williams Stapleton  
Rep. Mimi Stewart  
Rep. Thomas E. Swisstack

Sen. Ben D. Altamirano  
Rep. Elias Barela  
Sen. Mary Jane M. Garcia  
Sen. Gay G. Kernan  
Rep. W. Ken Martinez  
Sen. William H. Payne  
Sen. Michael S. Sanchez  
Sen. James G. Taylor  
Rep. Teresa A. Zanetti

(Attendance dates are noted for members not present both days.)

**Staff**

Maha Khoury  
Evan Blackstone  
Aldis Philipbar

**Guest List**

The guest list is in the meeting file.

**Monday, November 19****Two Strikes, Three Strikes and Habitual Offender Laws**

Senator Ryan and Representative Justine Fox-Young presented a bill to the committee that was introduced at the last legislative session and that amends the current three-strikes legislation. Representative Fox-Young gave the example of a man who commits three murders but is not captured under the current three-strikes legislation because he pleads to lesser charges and upon his release kills two more people. She said that this bill focuses on a small population of people.

Henry Valdez, first judicial district attorney, said that currently, no one at the corrections department is serving a life sentence under the three-strikes law. The law was enacted in 1994 so it is likely that not enough time has passed for someone to have completed serving the sentences for two strikes and committed a third strike. He said there have been more prosecutions under the two-strikes provision for serious sex offenses and that the amendment to the habitual offender law four years ago, which gives some discretion to judges, has been well received. Mark Donatelli, New Mexico criminal defense lawyers association, said that the three-strikes law was enacted to punish those who repeatedly cause great bodily harm to others, that it was intended to have a narrow focus and that this bill changes the intent of the three-strikes law. He noted that punishment for crimes that do not seriously injure people already exist and that other enhancements are available. He pointed out that prosecutors do not use enhancements that are currently available and that laws like this eliminate judicial discretion and put it in the hands of prosecutors. Susan Burgess Farrell, attorney for the public defender's office, added that charges that involve battery or aggravated assault on peace officers most often involve people who are mentally ill and that there are enhancements built into the system for violent crimes and for habitual offenders who commit violent crimes. She also stated that this legislation takes discretion away from judges.

Committee members were concerned as to the fiscal impact of the bill. The panel addressed the questions and concerns of the committee.

**Approval of Minutes**

On a motion made by Senator Martinez and seconded by Senator Leavell, the minutes of the fifth meeting of the CCJ were unanimously approved.

### **Public Employment Barriers for Convicted Felons**

Betty Sparrow Doris, secretary of workforce solutions, began by introducing members of the task force. She said that convicts face a myriad of barriers when seeking employment. The task force put together a survey that was distributed to cabinet secretaries and agency heads with hiring authority. The survey requested a variety of information, including a list of occupations, whether background checks were conducted, job restrictions and a description of the hiring process. The survey also asked whether the department worked with any state or federal prisons to employ convicts or if it would be willing to employ convicts. The results were discussed at a public meeting. The task force made several recommendations in dealing with this and other issues regarding employment for convicted felons.

There was a discussion with the committee. Among the concerns was the inability of business owners to get a tax credit for hiring an ex-convict. A report on states with good reintroduction programs for ex-convicts was also requested. There was also discussion involving background checks and the presumption of sufficient rehabilitation in the Criminal Offenders Employment Act. Ms. Doris stated that there is an inconsistency across the state about what is involved in background checks and that the law is being applied inconsistently.

Ms. Doris and other members of the task force addressed the questions and concerns of the committee.

### **Uniform Law Commission: Proposed Legislation**

John Burton, uniform law commissioner, discussed the uniform bills proposed by the uniform law commission. The first was the Uniform Prudent Management of Institutional Funds Act, which provides guidelines for management, investment and expenditures of endowment funds held by charitable institutions. Another bill was the Uniform Debt Management Services Act, which provides guidance and regulation to the debt counseling industry. A third bill was the Uniform Emergency Volunteer Health Practitioners Act, which allows state governments to give reciprocity to other states' licensees on emergency services providers so that covered individuals may provide services without meeting the disaster state's licensing requirements. A fourth bill was the Uniform Child Abduction Prevention Act, which provides the courts with guidelines to follow during custody disputes and divorce proceedings, to help identify families at risk for abductions and to provide methods to prevent abductions. A fifth bill was the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, which establishes uniform procedures that will enable courts to recognize and enforce valid domestic protection orders issued in other jurisdictions. Finally, the Uniform Foreign-Country Money Judgements Recognition Act revises the Uniform Foreign Money Judgements Recognition Act of 1962 by clarifying its provisions and correcting problems created by the interpretation of provisions of the act by the courts over the years since its promulgation. Mr. Burton indicated that the Uniform Parentage Act and the Uniform Athlete Agents Act, previously endorsed by the committee, were also in the members' binders.

Mr. Burton then addressed the questions and concerns of committee members.



### **Proposed Mother-Child Treatment Center**

Deanna Archuleta, Bernalillo county commissioner, discussed the women and children's residential project proposed by Bernalillo county. She stated that transitional housing for women in recovery and their children allows for the reestablishment of the mother-child bond. She said that it is a better use of funding because there are fewer people who re-offend. She presented the committee with a memorial to support funding for the project. The full project will cost an estimated \$23 million. The initial phase will cost \$9 million. She also added that the treatment center is not a court-ordered facility and that women may self-admit.

Angie Vachio, president, women's justice project, said that many women are incarcerated for drugs. She said that the treatment center can give children hope by reuniting them with their mothers. Ms. Vachio said that the treatment center is a preventive step before crime or incarceration, not just a place to go after incarceration.

John Dantes, deputy county manager for public safety, Bernalillo county, said that the facility will serve 125-150 women with children. He said that the center speaks directly to public safety and costs only one-third of the cost of incarceration.

The panel then addressed the questions and concerns of the committee.

### **Alleged Sexual Assaults at Camino Nuevo**

Ms. Vachio said that the women's justice project had received complaints from both inmates and staff of sexual assaults at Camino Nuevo. She said that the policies are not being adhered to and that sexual assault creates an environment without trust.

Maureen Sanders, attorney, women's justice project, said that four women have come forward as victims of sexual assault and that there may be as many as six more. She said that three of the women were sent back to the women's facility in Grants and the fourth was taken off of the work-release program. There is no one at Camino Nuevo to advocate for women, and there has been no attempt to humanize the environment. She said the women who are eligible for work release are not being allowed to participate and that the women's justice project has been denied access to Camino Nuevo. She added that Camino Nuevo, which is supposed to be a level one and two facility, is being run like a high-security facility.

Nancy Carr, corrections department, discussed the various programs offered to women at Camino Nuevo. In response to the claim that the women who reported sexual assault were transferred to Grants, Ms. Carr said that two of the women were transferred prior to the assaults being made known. Joe Williams, secretary of corrections, addressed the committee on what the department does and has done to address these and other issues relating to female inmates.

Senator McSorley and Representative Rehm visited Camino Nuevo prior to the meeting, and they discussed their impressions of the facility. Representative Rehm said that he looked at the visitors log and noticed that there were many medical and educational entries. He said that the facility was well staffed and that the nurse in the infirmary could not name one piece of equipment the facility needed but did not have. He said that there were 19 computers for 30

inmates. Cleaning the facility was a chore for the inmates and there were also 40 jobs at the tortilla factory and 24 jobs with the forest service that were available through the work-release program. He said that when he asked the women where they would rather be, they responded that they would rather be at Camino Nuevo than in Grants because of the available programs.

Senator McSorley agreed with Representative Rehm, but added his own observations. He said that the guards had no gender-specific training and that the warden had no experience overseeing a women's facility. Senator McSorley said he never saw any of the inmates outside, despite the beautiful weather. He said that the women were not allowed to leave the pod, even though the warden said that they were allowed outside. He said that there was no way for the women to find jobs before release because there was no internet service available. He also said that the warden offered to take them into a pod where a woman was showering and they declined and felt a little embarrassed at the suggestion. The women are forced to change in front of male guards because they are not allowed to cover the windows in their cells. He said that the women in the facility had not been served one piece of fresh fruit and that the medical facility looked good, but was not able to accommodate mental health issues. He also added that the forest service only pays the women \$1.00 per hour whereas the tortilla factory pays minimum wage.

A discussion ensued between committee members, representatives from the women's justice project, the corrections department and Ed Mahr, lobbyist for corrections corporation of America, the private contractor that operates Camino Nuevo.

### **Governor's Legislative Proposals**

John Wheeler, crime policy advisor to the governor, reviewed some of the governor's crime package for the upcoming session. The first two bills related to gang activity, providing criminal penalties for recruiting others to join a gang and enhancing the basic sentence for crimes committed in furtherance of gang activity. Other bills modified the Antiterrorism Act and increased the firearm enhancement when a firearm is used in the commission of a noncapital felony. The final two bills related to domestic violence.

Sharon Pino, domestic violence czar for the governor, discussed the two domestic violence bills in greater detail. One bill would increase penalties for repeat offenders of domestic violence and would make third offenses against intimate partners a fourth degree felony. The next bill would allow referrals and voluntary participation in domestic violence offender programs and would change the name of a fund. Three victims of domestic violence addressed the committee and spoke about their experiences. A discussion with the panel and members of the committee followed.

### **Services to Families of Murder Victims**

Representative Chasey presented a bill that would provide reparation awards to children of murder victims and services to family members of murder victims.

### **Public Defender Commission**

Phyllis Subin, former chief public defender, and Homer Robinson, project manager, New Mexico Coalition for Justice, presented a bill that creates the public defender commission. Ms.

Subin said that the goal of the bill is to protect the criminal justice system and eliminate any possible conflicts of interest. John Bigelow, chief public defender, said that the operating budget for the public defender department has risen by 44 percent over the past few years. He said that the budget request this year is the largest percentage increase he has seen. The department wants 80 new employees. He thanked the legislature for having been responsive to the department's budget requests.

The panel then addressed the questions and concerns of the committee.

### **Opiate Addiction Treatment Pilot Project**

Representative Stewart and Reena Szczepanski, director, drug policy alliance New Mexico, presented a bill that would create a pilot project for opiate addiction treatment of female inmates. This project would provide two years of focused anti-addiction medication assisted therapy to 50 women inmates with a chronic history of narcotic addiction who are approaching release and then are released back into the community. Steve Vaughn, medical director, corrections department, said that the corrections department supports the bill.

The committee recessed at 5:40 p.m.

## **Tuesday, November 20**

### **Report from the Governor's Task Force on Ethics Reform**

Stuart Bluestone, task force member and chief deputy attorney general, Matt Brix, task force member and policy director, center for civic policy, and Norman Thayer, task force member and attorney, presented the recommendations of the governor's task force to the committee. Mr. Brix discussed public financing of elections, contribution limits, reporting requirements and increased government transparency. He said that one of the primary goals of the task force was to address adverse effects of money on the political process. He said that 45 states have campaign contribution limits, but New Mexico has none. There are five entities that can make contributions and only three that can accept them: political parties, political candidates and political action committees (PAC). The task force recommends placing a \$2,300 limit on contributions to individuals, \$5,000 to PACs and \$10,000 to political parties per election year. Mr. Bluestone discussed legislative compensation issues, possible constitutional amendments and how to reduce legislative reliance on lobbyists. Mr. Thayer spoke about the proposed ethics commission that would be confidential and provide education to public officials as well as investigate ethics violations. It would have jurisdiction over the Governmental Conduct Act and five other acts.

The panel addressed questions and concerns from committee members.

### **Ethics Reform Proposals from the Attorney General**

Attorney General Gary King presented six bills to the committee. The first bill would allow the attorney general to investigate and prosecute crimes committed by officers of the executive and judicial branches and the second bill requires the state auditor to report any violations within the executive or judicial branches to the attorney general. The third bill

increases penalties for various offenses within state government. The fourth bill tolls the statute of limitations for commencing prosecution on certain criminal violations until the alleged violation is reported to the attorney general. The fifth bill enacts the Whistleblower Protection Act and prohibits retaliatory action by employers. The final bill amends the Governmental Conduct Act to include public officers and employees of all political subdivisions of the state. Attorney General King said that these bills provide the tools the attorney general's office needs to deal with ethics offenses.

### **Title Insurance: Rate Regulation Reform and Negligence in Title Searches**

Ben R. Lujan, chair, public regulation commission (PRC), Jason Marks, vice chair, PRC, and Morris Chaves, superintendent of insurance, PRC, presented the results of the task force study conducted pursuant to House Memorial 80 (2007). The memorial requests that the PRC convene a task force to investigate the practices of the real estate title insurance industry and make recommendations to improve consumer protection, education and awareness. The task force included members from the attorney general's office, consumer advocates, title insurance agents and underwriters and real estate brokers. It has had three meetings to date. It has analyzed claims paid and denied by the title insurance industry. Superintendent Chavez ordered that title insurance rates be reduced by 6.3 percent, which order was challenged and is now on appeal. The panel recommended language to the committee to address issues relating to negligence in title searches that is not covered by the insurance policy. New Mexico's statute is unusual, and many states allow negligence suits. Panel members believe the recommended language takes the considerations of the consumer as well as the industry into account. They also recommended that price and value competition be allowed to develop within a protective, regulatory framework.

The panel then addressed the questions and concerns of the committee.

### **Committee Endorsement of Proposed Legislation**

On a motion made by Representative Park and seconded by Senator Grubestic, the committee voted to endorse 24 pieces of legislation. Senator Rainaldi objected to the endorsement of the bill that would create the public defender commission.

### **Federal Requirements for CDL Licenses**

Kenneth Ortiz, director, motor vehicle division, taxation and revenue department, and Javier Lopez, assistant general counsel, department of transportation, presented a bill that relates to commercial driver's licenses. The bill eliminates test waiver authority, makes the definition of a conviction uniform throughout the motor vehicle code and makes uniform the penalties for improperly licensed drivers of commercial vehicles. Mr. Ortiz discussed several changes made to the bill and said that it would be on the governor's call for the session.

There being no further business, the committee adjourned at 1:45 p.m.

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## Legislative Proposals

**COURTS, CORRECTIONS AND JUSTICE COMMITTEE  
ENDORSED LEGISLATION - 2007 INTERIM**

- 1) Create new judgeships.
- 2) Replace funding for, expand and create drug courts.
- 3) Replace funding for and expand mental health courts.
- 4) Create the judicial performance evaluation fund.
- 5) Fund a municipal court support division in the administrative office of the courts.
- 6) Fund juvenile and adult restorative justice services in the sixth judicial district.
- 7) Fund pretrial services program in the eleventh judicial district.
- 8) Replace funds for supervision of first-time DWI offenders in metro court.
- 9) Provide comprehensive background information about criminal defendants in metro court.
- 10) Increase funding for civil legal services to low-income persons statewide.
- 11) Clarify power and duties of local governments in local jail operations.
- 12) Provide for consistent provisions on parole for persons sentenced to life imprisonment.
- 13) Uniform Parentage Act.
- 14) Uniform Athlete Agents Act.
- 15) Uniform Prudent Management of Institutional Funds Act.
- 16) Uniform Debt Management Services Act.
- 17) Uniform Emergency Volunteer Health Practitioners Act.
- 18) Uniform Child Abduction Prevention Act.
- 19) Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.
- 20) Uniform Foreign-Country Money Judgments Recognition Act.
- 21) Opiate addiction treatment for inmates pilot project.
- 22) Extend task force studying employment barriers for persons convicted of a crime.

23) Provide services to families of murder victims.

24) Create public defender commission.